

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OLGA DEMYANENKO-TODD, et al.,	:	
	:	
Plaintiffs,	:	
	:	3:17-CV-772
v.	:	(JUDGE MARIANI)
	:	
NAVIENT CORPORATION, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, THIS 8th DAY OF MAY, 2019, upon the parties' agreement to stay proceedings (Doc. 95) pending the Third Circuit's resolution of the interlocutory appeal in *Pennsylvania v. Navient Corp.*, No. 17-cv-1814 (M.D. Pa.), **IT IS HEREBY ORDERED THAT:**

1. The above-captioned action is **STAYED** pending the Third Circuit's resolution of the interlocutory appeal in *Pennsylvania v. Navient Corp.*, No. 17-cv-1814 (M.D. Pa.).
2. Given the previous extensions to the case management schedule and the stay of proceedings, Defendants' Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b) (Doc. 27) and Motion to Strike or Preclude Class Action Allegations (Doc. 38) are **DENIED WITHOUT PREJUDICE**. If appropriate, Defendants may refile these motions after the lifting of the stay.

  
Robert D. Mariani  
United States District Judge

May 6, 2019

**VIA CM/ECF**

The Honorable Robert D. Mariani  
United States District Court  
for the Middle District of Pennsylvania  
William J. Nealon Federal Building & U.S. Courthouse  
235 N. Washington Avenue  
Scranton, PA 18503

**Re: *Demyanenko-Todd v. Navient Corporation, et al.*  
Case No. 3:17-cv-00772-RDM (M.D. Pa.)**

Dear Judge Mariani:

We are counsel to Plaintiffs Olga Demyanenko-Todd, Kimberly Force, and Melissa Miller ("Plaintiffs") and write on behalf of both Plaintiffs and Defendants Navient Corporation, Navient Solutions, Inc., and Navient Solutions, LLC ("Defendants" and, together with Plaintiffs, the "Parties"), pursuant to Your Honor's April 22, 2019 Order (ECF 94), to set forth the parties' position regarding whether this action should be stayed pending disposition of the interlocutory appeal certified to the Third Circuit in *Pennsylvania v. Navient Corp.*, No. 17-cv-1814, 2019 WL 1052014, at \*4-5 (M.D. Pa. Mar. 5, 2019).

The interlocutory appeal in *Pennsylvania v. Navient* addresses the question of whether the Higher Education Act ("HEA"), 20 U.S.C. § 1098g, preempts the state consumer protection law claims brought by the Commonwealth in that case. As the Court noted, Defendants made a similar argument in moving to dismiss Plaintiffs' claims in this action, which motion remains pending. Thus, the Third Circuit's decision may have significant implications on this matter.

Accordingly, the Parties have conferred and believe a stay of this action pending resolution of the Third Circuit appeal in *Pennsylvania v. Navient*, is appropriate.

We are available at the Court's convenience to address these matters.

Respectfully,

KESSLER TOPAZ  
MELTZER & CHECK, LLP



Geoffrey C. Jarvis

cc: All counsel of record (*via* CM/ECF)